

### **REMARKS**

Claims 1 – 12 were pending in this application.

Claims 1-5 and 7-10 were rejected.

Claims 6, 11 and 12 were objected to.

Claim 1 was amended.

New Claim 13 has been added.

### **I. 35 USC 103(a) Rejections**

Claim 1-12 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,390,239 in view of U.S. Patent No. 5,345,794 to Jenks.

The rejected claims include three independent claims, which are Claim 1, Claim 5 and Claim 8. These claims are clearly distinguishable over the combined cited prior art references, as is explained below.

### **Claim 1**

**Claim 1** is an independent claim that sets forth a locking device for locking an object to the trunk of a tree. The claimed locking device specifically claims “an eyebolt having a threaded shaft and a head that defines an open eye.” The locking bolt also specifically claims a protective bracket that has, *inter alia*, a central housing that receives the eye of the eyebolt therein, and has a hole that aligns with the eye of the eyebolt.

A lock with an elongated body is provided that extends into the hole in the protective bracket and through the eye of the eyebolt, thereby interlocking the protective bracket to the eyebolt.

**The primary McClain patent** discloses locking device that has the same purpose as the present invention. That is, both the present invention and the McClain patent show a device that

can be used to lock a hunting stand in place in a tree. However, the structure disclosed in the McClain patent differs greatly from the specific structure being claimed in the pending claims of the present invention.

The McClain patent attaches to a tree using a standard bolt with a flat hexagonal head (36). See Fig. 2 of McClain.

The McClain patent does not disclose “an eyebolt having a threaded shaft and a head that defines an open eye.”

The McClain patent does not disclose a protective bracket that has both a central housing that receives the eye of the eyebolt therein, and a hole that aligns with the eye of the eyebolt.

Lastly, the McClain patent does not disclose a lock with an elongated body that extends into the hole in the protective bracket and through the eye of the eyebolt.

Since all of these features are directly and specifically claimed in Claim 1, it is clear that the primary McClain reference fails to disclose most of the claimed features of the present invention.

The Examiner addresses the deficiencies of the primary McClain patent by citing the secondary Jenks patent. The secondary Jenks patent discloses the structure of a lock that can be used on a padlock body. (See Jenks’ abstract)

The Jenks patent makes no disclosure of a locking system that uses an eyebolt to lock an object to a tree.

**In combination, the McClain patent and the Jenks patent,** fail to disclose or suggest any locking system for locking an object to a tree that uses an eyebolt that defines an open eye.

In combination, the McClain patent and the Jenks patent fail to disclose a protective bracket having a central housing and at least one bracket arm that extends from the central housing, wherein said central housing receives the eye of an eyebolt, and wherein the central housing defines a hole that is aligned with the eye of the eyebolt.

In combination, the McClain patent and the Jenks patent, fail to disclose or suggest any lock that extends through a central housing of a bracket and through the eye of an eyebolt that is

screwed into a tree.

As such, it is clear that the combined prior art references cited by the Examiner do not disclose or suggest the physical structure of the present invention locking system being specifically claimed by Claim 1 and its dependent claims. It is the opinion of the Applicant that it would have not been obvious to one having ordinary skill in the art, absent the applicant's own teachings in this application, to modify the tree lock of McClain to use an eyebolt and then modify the locking mechanism to engage the eyebolt in the manner that Jenks engages a padlock.

It is therefore respectfully requested that the Examiner withdraw the 35 USC 103 rejections as applied to Claim 1 and its dependent claims.

#### **Claim 5**

**Claim 5** sets forth a method of attaching a locking device to a tree. The method specifically claims the step of advancing an eyebolt into a tree, wherein the eyebolt has a head that defines an open eye.

The method also specifically claims the step of placing a protective bracket over the eyebolt, wherein the protective bracket defines a hole that aligns with the open eye of the eyebolt.

Lastly, the method specifically claims the step of advancing a lock through the eye of the eyebolt, therein locking the protective bracket to the eyebolt.

As has previously been explained the combination of the McClain patent and the Jenks patent, fail to disclose or suggest any locking system for locking an object to a tree that uses an eyebolt that defines an open eye. Thus, no disclosure is made of providing an eyebolt.

In combination, the McClain patent and the Jenks patent fail to disclose a protective bracket having a central housing and at least one bracket arm that extends from the central housing, wherein the central housing receives the eye of an eyebolt, and wherein the central housing defines a hole that is aligned with the eye of the eyebolt. Thus, no disclosure is made of the step of placing a protective bracket over the eyebolt,

Lastly, the combination of the McClain patent and the Jenks patent, fail to disclose or suggest any lock that extends through a central housing of a bracket and through the eye of an

eyebolt that is screwed into a tree. Thus, no disclosure is made of advancing a lock through the eye of the eyebolt.

As such, it is clear that the combined prior art references cited by the examiner do not disclose or suggest the methodology being specifically claimed by Claim 5 and its dependent claims. It is therefore respectfully requested that the Examiner withdraw the 35 USC 103 rejections as applied to Claim 5 and its dependent claims.

### **Claim 8**

**Claim 8** sets forth a method of locking a tree stand to a tree to prevent theft. The method specifically claims the step of advancing an eyebolt into a tree, wherein said eyebolt has a head that defines an open eye. A protective bracket is then placed over the eyebolt. A lock is then advanced through the eye of said eyebolt, therein locking the eyebolt to protective bracket.

As has previously been explained the combination of the McClain patent and the Jenks patent, fail to disclose or suggest any locking system for locking an object to a tree that uses an eyebolt that defines an open eye. Thus, no disclosure is made of providing an eyebolt.

In combination, the McClain patent and the Jenks patent fail to disclose a protective bracket having a central housing and at least one bracket arm that extends from the central housing, wherein the central housing receives the eye of an eyebolt, and wherein the central housing defines a hole that is aligned with the eye of the eyebolt. Thus, no disclosure is made of the step of placing a protective bracket over the eyebolt,

Lastly, the combination of the McClain patent and the Jenks patent, fail to disclose or suggest any lock that extends through a central housing of a bracket and through the eye of an eyebolt that is screwed into a tree. Thus, no disclosure is made of advancing a lock through the eye of the eyebolt.

As such, it is clear that the combined prior art references cited by the examiner do not disclose or suggest the methodology being specifically claimed by Claim 8 and its dependent claims. It is therefore respectfully requested that the Examiner withdraw the 35 USC 103 rejections as applied to Claim 8 and its dependent claims.

### **II. DRAWINGS**

The original application was filed with informal drawings. Formal drawings will be filed upon receipt of the Notice of Allowance for this application.

### **III. SUMMARY**

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,



Eric A. LaMorte  
Reg. No. 34,653  
Attorney For Applicant

LaMorte & Associates  
P.O. BOX 434  
Yardley, PA 19067  
(215) 321-6772